

## **AMENDMENTS TO THE CLAIMS**

1. (Currently amended) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

a first tag element carrying a one-piece first locking member;

a second tag element carrying a second locking member;

the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member; ~~and~~

the first locking member being linearly slidable ~~from the~~ from a locked position to an unlocked position to allow the second locking member to be released; and

the first locking member being free of a camming engagement with the first tag element for moving the first locking member from the unlocked position to the locked position.

2. (Original) The tag of claim 1, wherein the first tag element includes a body that defines an opening that is aligned with the first locking member; the first tag element further including a seal that covers the opening; the seal being adapted to be punctured.

3. (Original) The tag of claim 2, wherein the body has at least one body wall that has a first thickness; the seal having a second thickness; the first thickness being larger than the second thickness.

4. (Original) The tag of claim 1, wherein the first tag member includes a hood that surrounds a portion of the second locking member when the second locking member is in the locked position.

5. (Original) The tag of claim 4, wherein the hood has an outer surface; the outer surface being smooth.
6. (Original) The tag of claim 1, further comprising an EAS tag carried by the first tag element.
7. (Original) The tag of claim 6, wherein the first tag element defines a chamber; the EAS tag being carried by the first tag element within the chamber.
8. (Original) The tag of claim 7, wherein the first tag element includes first and second halves that snap together to define the chamber.
9. (Currently amended) The tag of claim 1, wherein the first locking member is slidably carried between opposed ribs carried by the first ~~locking member~~ tag element.
10. (Original) The tag of claim 9, wherein the first locking member includes first and second halves that clamp together on the first locking member.
11. (Original) The tag of claim 10, wherein each of the first and second halves of the first tag element includes ribs that engage the first locking member.
12. (Original) The tag of claim 1, wherein the first locking member includes opposed teeth that define a slot; the second locking member including a portion that is disposed in the slot between the teeth when the second locking member is in the locked position.
13. (Original) The tag of claim 12, wherein the first locking member defines an opening that is connected to the slot; the second locking member being disposed in the opening when the first locking member is in the unlocked position.

14. (Original) The tag of claim 13, wherein the second locking member includes a post having at least one step; the opposed teeth of the first locking member engaging the step when the first and second locking members are in the locked position.

15. (Original) The tag of claim 14, wherein the post and the step have maximum widths; the size of the opening being larger than the maximum widths of the post and step.

16. (Original) The tag of claim 13, wherein the first locking member has a V-shaped cross section.

17. (Original) The tag of claim 16, wherein the slot is disposed at the bottom of the V-shaped cross section.

18. (Original) The tag of claim 17, wherein the second locking member has a pointed leading end.

19. (Original) The tag of claim 1 wherein the second tag element is removable from the first tag element without flexing of the first locking member.

20. (Original) The tag of claim 1 wherein the first locking member is slidable from the locked position to the unlocked position without flexing of the first locking member.

21. (Original) The tag of claim 20 wherein the second locking member is disengageable from the first locking member without flexing of the first locking member.

22. (Original) The tag of claim 1, wherein the first locking member includes opposed teeth that define a slot; a portion of the first locking member extending between and being rigidly mounted on the teeth; the portion being rigid; the second locking member including a portion that is disposed in the slot between the teeth when the second locking member is in the locked position.

23. (Original) The tag of claim 22 wherein the first locking member defines an opening which communicates with the slot; the second locking member being disposed in the opening when the first locking member is in the unlocked position; and wherein the slot has a closed end adjacent the opening, the closed end being formed by the portion of the first locking member rigidly mounted on the teeth.

24. (Original) The tag of claim 1 wherein the first locking member includes opposed teeth that define a slot having parallel sides along the entire length of the slot; the second locking member including a portion that is disposed in the slot when the second locking member is in the locked position.

25. (Original) The tag of claim 24 wherein the first locking member defines an opening that communicates with the slot; the second locking member being disposed in the opening when the first locking member is in the unlocked position.

26. (Original) The tag of claim 24 wherein the first locking member defines an opening that communicates with the slot; a portion of the second locking member passes through the opening to remove the second tag element from the first tag element, said portion having a maximum width; and the opening is larger than the maximum width.

27. (Original) The tag of claim 1, wherein the first locking member includes opposed teeth that define a slot; the first locking member sliding from the locked position to the unlocked position without changing the spacing between the teeth.

28. (Original) The tag of claim 1, wherein the second tag element is in the form of a tack having a head and a post with the post functioning as the second locking member.

29. (Currently amended) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

- a first tag element carrying a first locking member;

- a second tag element carrying a second locking member having a longitudinal axis and a cross sectional dimension;

- the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member;

- the first locking member including opposed teeth that define a slot; the second locking member including a portion that is disposed in the slot between the teeth when the first and second locking members are ~~in the~~ in a locked position;

- the first locking member defining an opening sized larger than the cross sectional dimension of the second locking member;

- the first locking member being movable from the locked position to an unlocked position where the second locking member is disposed in the opening of the first locking member to allow the second locking member to be released from the first locking member; and

- the second locking member being removable from the first locking member without ~~flexing~~ spreading the opposed teeth away from each other.

30. (Original) The tag of claim 29, wherein the first locking member has a V-shaped cross section; the slot being disposed at the bottom of the V-shaped cross section.

31. (Currently amended) The tag of claim 30, wherein the second locking member includes a stepped post that is ~~adapted to be~~ disposed in the slot of the first locking member when the second locking member is in the locked position.

32. (Original) The tag of claim 29 wherein the first locking member is slidable from the locked position to the unlocked position without flexing of the first locking member.

33. (Original) The tag of claim 29 wherein a portion of the first locking member extends between and is rigidly mounted on the teeth, said portion being rigid.

34. (Original) The tag of claim 29, wherein the first tag element carries an EAS tag.

35. (Currently amended) The tag of claim 34, wherein the first tag element defines at least a pair of ribs; the first locking member engaging the at least ~~pair~~ a pair of ribs.

36. (Original) The tag of claim 29, wherein the first locking member moves in a direction substantially perpendicular to the longitudinal axis of the second locking member when the first locking member moves from the locked position to the unlocked position.

37. (Currently amended) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising;

    a first tag element carrying an EAS tag and a one-piece first locking member having opposed teeth and an EAS tag;

    a second tag element in the form of a tack having a post extending from a head; the post functioning as a second locking member;

    the post being configured to pass through an item of merchandise and into the first tag element to engage the first locking member;

    the second tag element being lockable to the first tag element by locking the first locking member to the post of the second tag element so that when the first locking member is in a locked position removal of the post from the first locking

member is prevented by engagement of the post by each of the opposed teeth of the first locking member;

the first locking member being movable between the locked position and an unlocked ~~positions~~ position; the first locking ~~element~~ member being non-pivotably and ~~non-flexingly~~ moveable from the locked position ~~to an~~ to the unlocked position; and

the post being removable from the first locking member when the first locking member is in the unlocked position.

38. (Original) The tag of claim 37, wherein the first locking member slides from the locked position to the unlocked position.

39. (Original) The tag of claim 38, wherein the post has a longitudinal axis; the first locking member sliding perpendicular to the longitudinal axis of the post when the first locking member moves from the locked position to the unlocked position.

40. (Canceled)

41. (Currently amended) The tag of ~~claim 40~~, claim 37 wherein the teeth are disengaged from the post when the first locking member is in the unlocked position.

42. (Currently amended) The tag of claim 37, wherein the ~~first locking member~~ includes opposed teeth that define a slot; ~~a second locking member including a portion that~~ and wherein the post is disposed in the slot between the teeth when the ~~second~~ first locking member is in the locked position.

43. (Original) The tag of claim 42, wherein the slot of the first locking member defines an opening; the opening being sized larger than the post; the post being disposed in the opening when the first locking member is in the unlocked position.

44. (Original) The tag of claim 43, wherein the first locking member has a V-shaped cross section; the slot being defined at the bottom of the V-shaped cross section.

45. (Original) The tag of claim 44, wherein the post has at least one step; the opposed teeth of the first locking member engaging the step when the first and second locking members are in the locked position.

46. (Currently amended) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

- a first tag element carrying a first locking member; a second tag element carrying a second locking member;

- the second locking member being in the form of a post adapted to pass through a portion of the item of merchandise and into the first tag element to engage the first locking member;

- the second tag element being lockable to the first tag element;

- the first locking member being linearly slidable from a locked position to an unlocked position;

- the unlocked position allowing the second locking member to be disengaged from the first locking member;

- the first tag element including opposed ribs that are elongated and spaced from one another to define a portion of an opening sized to receive a key prong that moves the first locking member from the locked position to the unlocked position; and

- the key prong directly engaging the first locking member without engaging the ribs of the first tag element when the key prong is moving the first locking member from the locked position to the unlocked position.

47. (Original) The tag of claim 46, wherein the first tag element includes first and second halves that are joined together about their perimeters.



48. (Currently amended) The tag of claim 47, wherein the first and second halves cooperate together to define ~~an opening~~ the opening adapted to receive the key prong.

49. (New) The tag of claim 1 wherein the first locking member is free of a camming engagement affecting movement of the first locking member between the locked and unlocked positions.

50. (New) The tag of claim 1 wherein the tag is free of a spring element for biasing the first locking member in the locked position.

51. (New) The tag of claim 1 wherein the tag is free of a spring element for moving the first locking member.

52. (New) The tag of claim 1 wherein the first locking member is movable only in a single linear direction from the locked position to an unlocked position wherein the second locking member is removable from the first locking member.

53. (New) The tag of claim 1 wherein the second locking member has an axis along which the second locking member is movable during connection and disconnection of the first and second tag elements; and wherein the first locking member is linearly slidable only in a direction which is perpendicular to the axis.

54. (New) The tag of claim 1 wherein a key prong is insertable into the tag to move the first locking member to unlock the first tag element from the second tag element; and wherein the first locking member remains in the unlocked position after removal of the key prong from the tag.

55. (New) The tag of claim 27 wherein when the first locking member is in the locked position a portion of the second locking member is disposed in the slot between the teeth and the removal of the portion from the first locking member is prevented by engagement of the portion by each of the opposed teeth of the first locking member.

56. (New) The tag of claim 29 wherein first locking member is a one-piece member.

57. (New) The tag of claim 37 wherein the second tag element is removable from the first tag element without flexing the first locking member.

58. (New) The tag of claim 46 wherein the first locking member is slidably mounted on the opposed ribs of the first tag element.

59. (New) The tag of claim 58 wherein the first locking member has opposed edges; and wherein the first locking member slidably engages the opposed ribs respectively adjacent the opposed edges.

60. (New) The tag of claim 46 wherein the first locking member defines an elongated slot in which the post is disposed in the locked position; and wherein the elongated ribs of the first tag element are elongated in the elongated direction of the slot.

61. (New) The tag of claim 46 wherein the first locking member defines an elongated slot in which the post is disposed in the locked position; and wherein the key prong moves in the elongated direction of the slot to move the first locking member from the locked position to the unlocked position.

62. (New) A theft deterrent tag adapted to be locked to an item of merchandise, the theft deterrent tag comprising:

- a first tag element carrying a one-piece first locking member;

- a second tag element carrying a second locking member having an axis along which the second locking member is movable during connection and disconnection of the first and second tag elements;

- the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member in a locked position;

- the first locking member being linearly movable only in a direction which is perpendicular to the axis from the locked position to an unlocked position to allow the second locking member to be released.

63. (New) The tag of claim 62 wherein the second locking member comprises a post elongated in the direction of the axis; and wherein the second tag element is lockable to the first tag element by engaging the post with the first locking member in the locked position.

64. (New) The tag of claim 62 wherein the first locking member defines an elongated slot and an opening in communication therewith; wherein the post is disposed in the slot in the locked position and is disposed in the opening in the unlocked position; and wherein the post engages the first locking member when in the slot and does not engage the first locking member when in the opening.

65. (New) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

- a first tag element carrying a first locking member;

- a second tag element carrying a second locking member;

- the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member;

the first locking member including opposed teeth that define a slot there between; the second locking member including a portion that is disposed in the slot between the teeth when the first locking member is in a locked position; and

the first locking member being movable from the locked position to an unlocked position to allow the second locking member to be released from the first locking member without spreading the opposed teeth away from each other.

66. (New) The tag of claim 65 wherein the slot has an elongated direction; and wherein the first locking member is slidably movable in the elongated direction of the slot from the locked position to the unlocked position.

67. (New) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

a first tag element carrying a one-piece first locking member;

a second tag element carrying a second locking member;

the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member;

the first locking member including opposed teeth that define a slot there between; the second locking member including a portion that is disposed in the slot between the teeth when the first locking member is in a locked position wherein removal of the portion of the second locking member from the first locking member is prevented by engagement of the portion by each of the opposed teeth; and

the first locking member being movable only in a single linear direction from the locked position to an unlocked position wherein the second locking member is removable from the first locking member.

68. (New) The tag of claim 67 wherein the first locking member is slidably movable in the single linear direction.

69. (New) The tag of claim 68 wherein the first locking member slidably engages a pair of elongated spaced ribs.

70. (New) The tag of claim 67 wherein the slot is elongated in the single linear direction.

71. (New) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising;

- a first tag element carrying a one-piece first locking member;

- a second tag element carrying a second locking member;

- the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member;

- the first locking member including opposed teeth that define a slot there between; the second locking member including a portion that is disposed in the slot between the teeth when the first locking member is in a locked position wherein removal of the portion of the second locking member from the first locking member is prevented by engagement of the portion by each of the opposed teeth; and

- the first locking member being non-pivotably and non-flexingly moveable from the locked position to the unlocked position wherein the second locking member is removable from the first locking member.

72. (New) The tag of claim 71 wherein the second locking member is removable from the first locking member without flexing the first locking member.

73. (New) A theft deterrent tag adapted to be locked to an item of merchandise; the theft deterrent tag comprising:

- a first tag element carrying a first locking member;

- a second tag element carrying a second locking member;

- the second tag element being lockable to the first tag element by engaging the second locking member with the first locking member;

the first locking member flexing to lock the first and second locking members together; and

the second locking member being removable from the first locking member without flexing the first locking member.

74. (New) The tag of claim 73 wherein the first locking member includes opposed teeth defining a slot there between; and wherein the second locking member includes a portion which when inserted in the slot causes the flexing of the first locking member to lock the first and second locking members together, said flexing including movement of the opposed teeth away from one another.

75. (New) The tag of claim 74 wherein the first locking member is movable from a locked position to an unlocked position wherein the second locking member is disposed in an opening to allow the second locking member to be removed from the first locking member.

76. (New) The tag of claim 75 wherein the first locking member defines the opening; and wherein the opening is in communication with the slot.

77. (New) The tag of claim 74 wherein said flexing includes movement of the teeth toward one another.